

**CALENDAR ITEM  
C21**

A 7  
S 6

12/17/14  
W 26801  
G. Asimakopoulos

**GENERAL LEASE – RECREATIONAL AND  
PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Jonathan D. Smith and Milissa Smith

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in the Sacramento River, adjacent to 4237 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Removal of an existing floating boat dock and gangway, use and maintenance of two existing wood pilings, wood dolphin, and bank protection not previously authorized by the Commission; and proposed construction, use and maintenance of a new uncovered single-berth floating boat dock with boatlift and gangway.

**LEASE TERM:**

10 years, beginning October 3, 2014.

**CONSIDERATION:**

**Uncovered Single-Berth Floating Dock with Boatlift, Gangway, Wood Dolphin, and Two Wood Pilings:** \$200 per year, with an annual Consumer Price Index adjustment.

**Bank Protection:** The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in an amount no less than \$1,000,000 per occurrence.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On October 3, 2014, the upland was deeded to Jonathan D. Smith and Milissa Smith. At the time the upland property was deeded to the

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Applicant, there was an existing, but unauthorized floating boat dock and gangway, wood pilings, wood dolphin, and bank protection. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use authorizing the removal of the existing floating boat dock and gangway; continued use and maintenance of the two existing wood pilings and wood dolphin, which will be sleeved, and bank protection; as well as the proposed construction of an uncovered single-berth floating boat dock with boat lift and gangway.

3. The Applicant is proposing to remove the existing floating boat dock and gangway via the upland parcel. The dock will be disposed of at a nearby landfill. The proposed new uncovered single-berth floating boat dock with boat lift and gangway will be constructed offsite and a crane barge will be used to lower it into place. The dock will be steel with encapsulated foam floats. The new dock will be attached to the two existing pilings and dolphin, which will have steel sleeves placed over them. The gangway will be steel and attached to the dock.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
5. **Existing Dolphin, Two Wood Pilings, and Bank Protection:** The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. **Construction of New Dock and Gangway:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905

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7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVALS OBTAINED:**

Reclamation District 1000  
U.S. Fish and Wildlife Service  
Central Valley Flood Protection Board

**FURTHER APPROVALS REQUIRED:**

U.S. Army Corps of Engineers  
National Marine Fisheries Service  
California Department of Fish and Wildlife

**EXHIBITS:**

- A. Land Description  
B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Existing Dolphin, Two Wood Pilings, and Bank Protection:** Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**Construction of New Dock and Gangway:** Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

CALENDAR ITEM NO. **C21** (CONT'D)

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Jonathan D. Smith and Milissa Smith beginning October 3, 2014, for a term of 10 years, for the removal of an existing floating boat dock and gangway; use and maintenance of two existing wood pilings, wood dolphin, and bank protection not previously authorized by the Commission; and proposed construction, use, and maintenance of an uncovered single-berth floating boat dock with boatlift and gangway, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the two existing wood pilings, dolphin, proposed uncovered single-berth floating boat dock with boatlift, and gangway: \$200 per year, with an annual Consumer Price Index adjustment; consideration for the bank protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**W 26801**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Survey 193, patented July 11, 1865 of the County of Sacramento, State of California, and more particularly described as follows:

**PARCEL 1 – DOCK**

All those lands underlying a proposed uncovered single-berth floating boat dock, one (1) boatlift, gangway, and one (1) existing dolphin, and two (2) existing pilings lying adjacent to that parcel as described in that Grant Deed recorded October 3, 2014 in Book 20141003 Page 855 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said parcel.

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the Sacramento River.

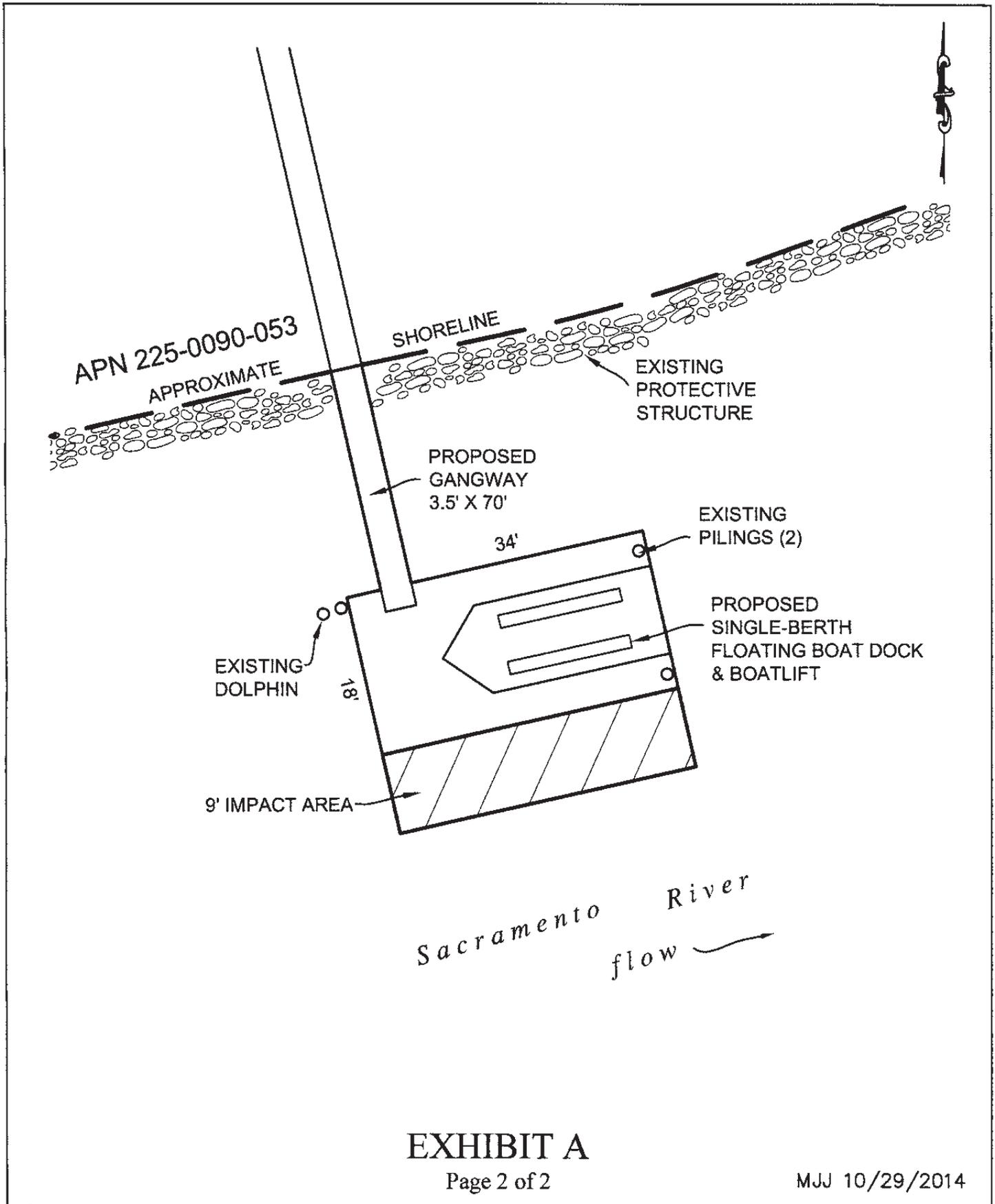
Accompanying plat is hereby made a part of this description.

This description is based on Applicant provided design plans for a proposed pier, together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

**END OF DESCRIPTION**

Prepared November 3, 2014 by  
the California State Lands Commission Boundary Unit.





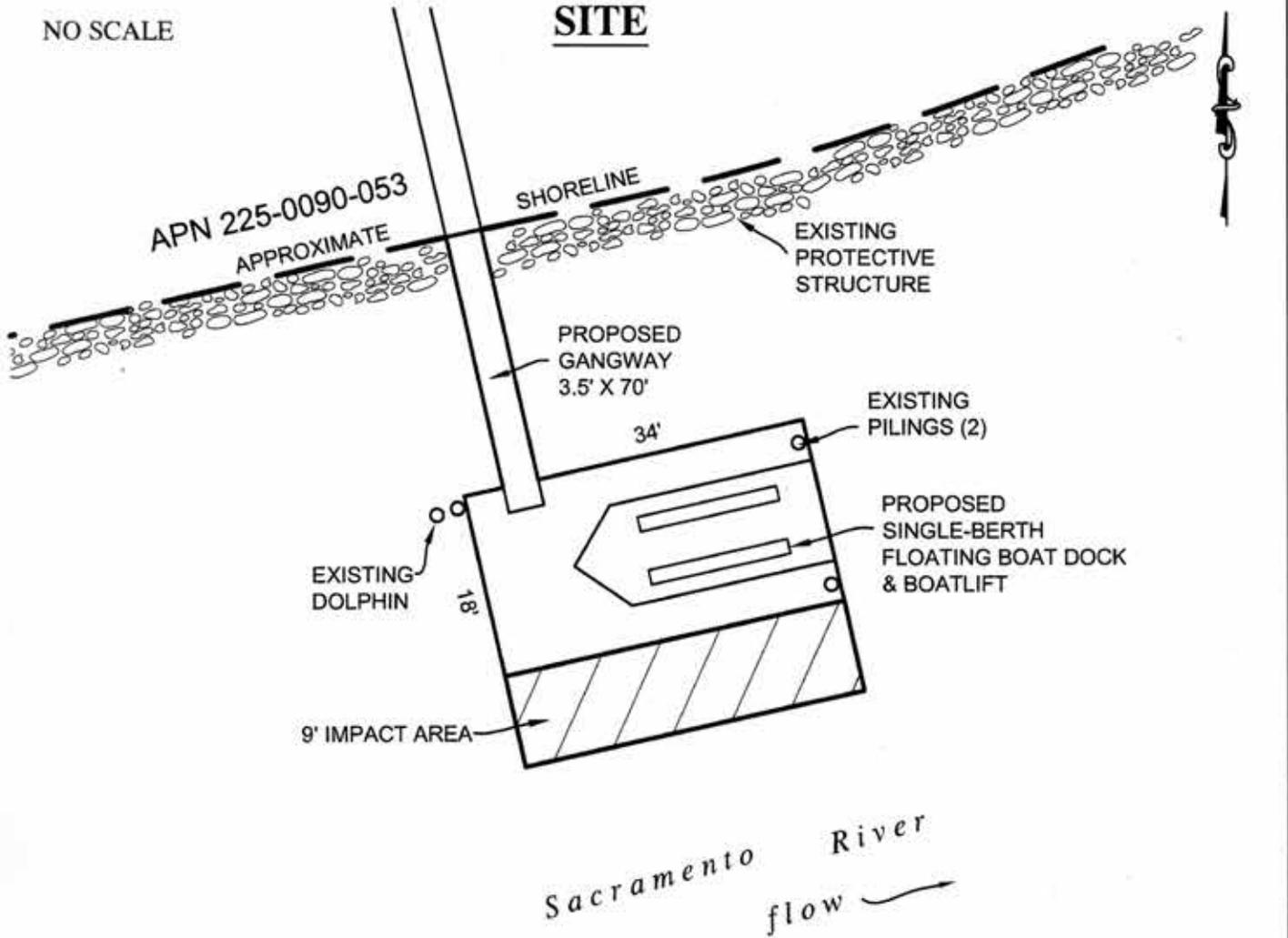
LAND DESCRIPTION PLAT  
W 26801, SMITH  
SACRAMENTO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

# SITE



4237 GARDEN HWY., SACRAMENTO

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

# Exhibit B

W 26801  
SMITH  
APN 225-0090-053  
GENERAL LEASE -  
RECREATIONAL &  
PROTECTIVE STRUCTURE  
SACRAMENTO COUNTY



MJJ 10/28/14